

Draft material on Devolution for possible use in round table  
first strand discussions.

Introduction

-- we seek in these talks pragmatic and acceptable approaches to our common problems. We do not wish to enter into sterile debate over what is past. We want to avoid the zero-sum attitude which has characterised so much of "political" debate in the past.

-- we believe that both traditions and communities in Northern Ireland are faced with pressing common problems. Joint approaches to their solution are urgently required. We must however first reach some shared appreciation of what the problem is.

-- in these talks, then, we must face up to our responsibilities as political leaders: we must work to find agreed approaches designed to advance the well-being of both communities and traditions. The challenge for us all - in strand one, in strand two and in strand three - must be to address squarely in honest, open dialogue what we believe is wrong with our society. Hopefully, frank discussion will generate fresh thinking and new elements of consensus to allow a better future for us all.

-- the SDLP has, since the outbreak of the current "troubles", all along argued that we need to reach a shared understanding of the nature of the problem which confronts us. We have admitted that it has been difficult for Irish nationalists to come to terms with some of the fundamental issues. In the <sup>first</sup> paper we tabled for these talks, we have explicitly drawn attention to the difficulties we have experienced in working towards an adequate understanding.

-- however, we have freely and frankly admitted that we cannot reach a comprehensive, meaningful and fully illuminating understanding without the direct input of the Unionist political tradition. We recognise we have to come to terms with how you perceive the problem. We sought your participation in the work of the New Ireland Forum to help reach a shared analysis. For reasons you no doubt consider entirely adequate, you turned down the invitation.

-- in the 1987 document "An End to Drift", the authors comment: "indeed the assumption that Unionists must inevitably be bested in any negotiations can only reflect the judgement of those who have already sold out and accepted defeat." Our contention is that we can reach a common understanding of the problem where no-one suffers any sense of defeat or of diminution of their identity. In our view, no progress can or will be achieved if either side sets out to "best" or hoodwink the other. The tragic consequences of violence and political instability are the common legacy of both traditions.

-- it is against this background that we welcome the unique opportunity these talks provide to allow dialogue. We appreciate the willingness of the Unionist parties to enter such dialogue without pre-condition and with the fullest understanding of what the exercise entails. In addition, we are conscious of the spirit of openness of the two governments which makes possible this unique opportunity to advance political stability and consensus.

"Devolution"

-- it is perhaps helpful at the start of our discussions to make clear the position of the SDLP regarding so-called "devolution." We have indicated we are a party of practical politicians. We represent two out of three nationalist voters in the Northern Ireland area. We are responsible to these voters and are held accountable by them for the success or otherwise of the policies we pursue. We have a practical political interest in finding ways and means of advancing the well-being of our electorate. We are always, as politicians, concerned to expand our electoral base through ever more effective forms of political activity.

-- throughout the existence of our party, we have consistently advocated an approach to political activity based on partnership and compromise. We have equally consistently argued that true partnership required recognition in institutional form of the legitimacy of the identity of the nationalist tradition we represent.

-- In our paper, we indicate our acceptance of the practical veto which the unionist tradition in Northern Ireland has over the achievement of Irish unity. In return, we must point to the practical veto which six hundred thousand nationalists in Northern Ireland have, not just over a policy of so-called "integration", but also over the implementation of approaches to devolution, considered in isolation, which have characterised Northern Ireland since its establishment.

1920 Government of Ireland Act

-- we do not want to dwell too much on "ancient history" in our discussions. In our paper, we have sketched out our understanding of the core historical elements which underpin the three central relationships as they interact today. However, in these first strand discussions, it is perhaps

*who were elected 2/3 of nat. voters.*

*need for Recognition of the unionist veto*

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helpful to spell out our perception of "devolved" government as it has emerged in Northern Ireland. For our purposes, we need to concentrate on the general political aspects of the issue.

-- in our paper, we point to Unionist distrust of the nationalist tradition on the island of Ireland as the principal motive behind their rejection of Home Rule. However, the arrangements arrived at in 1920 satisfied neither Unionist nor Nationalist. Indeed, it appears from the statements of Unionist leaders that the system of Government established under the 1920 Government of Ireland Act stirred up and agitated, in a profound if complex way, Unionist sensitivities and fears. Perhaps it is in this context that Sir Edward Carson saw his inability to maintain the whole island of Ireland in the Union as a signal failure of the Unionist movement.

*a form of devolution which returned Ireland within the status.*

-- Even today, Unionist leaders express unease at the arrangements which came into operation in 1921. Mr. Peter Robinson recently spoke of the "secession" of the South from the Union as if that was the root of instability in these islands. There is an implication - not perhaps very clearly perceived - that independence in the South, simply by taking place, somehow diminished the sense of identity of the Unionist tradition. In a complex way, statements like Mr. Robinson's thus seem to express an experience of loss. There appears to be some sense that the Union was in some way fractured irrevocably by the Government of Ireland Act arrangements.

*Regret that Ireland has been severed*

-- perhaps the achievement of independence in the South underlined the very conditional nature of the Union. It showed that the British authorities could, as they wished,

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determine what was integral to the Union and what was not. Certainly, the degree of hostility, discrimination and disregard shown the nationalist tradition within Northern Ireland by successive Stormont administrations demonstrates a profound uneasiness and insecurity on the part of the Unionist tradition. In a way, the Unionist tradition appears to have perceived itself as condemned to exist within the narrow confines of Northern Ireland - an entrapment it had not sought but which it could not escape from.

-- Carson's advice to the incoming Stormont administration was: "From the outset, let us see that the Catholic minority have nothing to fear from the Protestant majority. Let us take care to win all that is best among those who have been opposed to us in the past. While maintaining our own religion let us give the same rights to the religion of our neighbours." As we all know, a subsequent Stormont Prime Minister shortly afterwards spoke - in a regrettably different vein - of a "Protestant parliament for a Protestant people."

-- the reality was that the political institutions in Northern Ireland were designed to establish a system of exclusive domination by the Unionist tradition over the Nationalist tradition. Thus, from the start, the two traditions were imprisoned within the narrow confines of a political system which was founded upon, and which sought to maintain, narrow sectarian loyalty. "Devolution" from Westminster effectively meant derogation from mainland standards of justice and fair play. "Devolution" in the Northern Ireland context meant that the sovereign parliament would turn a blind eye to the rough edges of the system of administration. In a very fundamental way, "devolution" served as a way of dismissing the seemingly insoluble problems of Ireland from the mainstream consciousness of British life and politics.

-- the operation of the Northern political system in subsequent years in did nothing to ease the grounds for conflict between the two entrapped traditions. The symbols and procedures of the institutions in Northern Ireland systematically denied the legitimacy of the Nationalist tradition. In addition, for over fifty years, Nationalists suffered severe social and economic discrimination under Unionist rule. Successive governments at Stormont in fact concerned themselves almost exclusively with the maintenance for the Unionist tradition of exclusive power and privilege.

-- for the vast majority of Unionist politicians, dialogue with Nationalists was effectively a trap to be feared and avoided. Dialogue, they appeared to believe, would confer legitimacy on Nationalist aspirations and open the way to absorption within an all-Ireland, Catholic dominated state. Furthermore, IRA violence - itself based on an exclusive elitism which ignores the true nature of the problems to be faced - has reinforced the sense of unease and insecurity among Northern Unionists. Violence has thus tragically served to sharpen the edges of division and deterred efforts by both sides to explore the potential common ground between them. Both traditions in their own way suffer the scarred legacy of a system which was intended to be narrowly sectarian and purposefully divisive.

-- this is the legacy of the devolved Stormont system established under the 1920 Government of Ireland Act. Frankly, this is also the background for Northern nationalists when discussing a "devolved" system of government. The system of devolved administration in Northern Ireland was founded on the denial of the legitimate rights and aspirations of the Nationalist people in the area.

-- Everyone shares the blame for the continuation of that system for over fifty years. The two governments failed to act in a sufficiently constructive and decisive way to alleviate the situation of the nationalist community under Stormont rule. The nationalist community mobilised itself politically in an insufficient and often haphazard way. The Unionist political establishment remained committed to immobilism and the maintenance of status and privilege of one tradition only.

#### Approaches to devolution since the fall of Stormont

-- the civil rights movement of the late 1960s began to channel the half-century of grievance experienced by the nationalist community. It set out to lift the veil of ignorance and disregard which had allowed the system of sectarian privilege to continue largely undisturbed. Essentially, it set out bring to Northern Ireland the normal standards of Western European democratic life.

-- The movement achieved much quickly. The tragedy for the people of Northern Ireland was - and is - that the dormant atavistic forces of distrust and destruction re-emerged in new and more virulent forms. These forces sought - and seek - violently to impose their own elitist and profoundly undemocratic notions of society on both traditions and communities on this island. A shared task for us all is to find the means to combat this common peril in the name of the common humanity which we subscribe to irrespective of our political differences.

-- the SDLP proudly places itself in the tradition of the civil rights movement. We see ourselves as engaged in the task of mobilising politically the positive forces of our

society for the benefit of all. We seek a society founded on justice and equality seeking to make those norms a reality tangible to every citizen. We have said over and over again that the only means to make real the shared humanity of both communities is to work the political process in innovative and creative ways. We reaffirm this commitment again in our paper - the first political reality for us is that the political process can alone lay the foundations for a political settlement. We would lay emphasis on the faith we continue to place on the democratic system - a faith we know is shared by the representatives of constitutional Unionism.

-- what has been the experience with approaches to devolution since 1972? In our view, Stormont fell for two reasons. It failed to grant to the nationalist community equality of respect and treatment under the law. It also effectively denied the legitimacy and substance to the aspiration towards Irish unity of the nationalist people. The Stormont system - as already noted, itself unwelcome initially to both Unionists and Nationalists - in practice sought to hold down the nationalist community within the confines of a state whose symbols and ethos reflected one tradition only.

-- since 1972, there has been growing recognition that a political settlement must seek to put in place a substantive institutional form which gives equal weight and validity to the legitimate rights, concerns and aspirations of both traditions and communities. As we all know too well, it has not proved possible to reach agreement among the two traditions in Northern Ireland on such a structure. The legacy of historic distrust, greatly exacerbated by the vicious and futile violence since 1969, has greatly complicated the task of finding consensus on the form of a political settlement.



-- In this context, it has been noted that Northern Ireland is the most studied conflict in the world. Myriad theories and approaches have been put forward to explain the conflict. Some of these explanations attempt to capture the many elements at play. They tend to characterise the conflict in Northern Ireland as reflecting simultaneously the encounter and interaction - positive and negative - of two value systems, two cultures and two traditions each seeking some adequate expression of, and security for, its identity. We point out in our paper that the mosaic of inter-relationships in Ireland is highlighted by the fact that each of the two communities in Northern Ireland constitutes at once a majority and a minority within the island of Ireland.

-- as we have said, efforts since 1972 to find a political settlement have tried to bring together in positive interaction the many complex elements of the problem. In our paper, we pointed to the difficult adjustment of Irish nationalists which was required to reach a wider understanding of the Irish identity - one which could embody the "British dimension" in a political settlement. For their part, the British Government have, over time, come to recognise more fully the need to give substantive recognition to the Irish dimension to the problem. This understanding is best symbolised in the Anglo-Irish Agreement which has been lodged formally with the United Nations on behalf of both Britain and Ireland.

-- what however has been the attitude of political Unionism to the search for accommodation and consensus? We do not wish to enter into recrimination or pointless debate. However, it seems to us clear that, in the period since 1972, Unionist opinion has on occasion refused to recognise the need to

discard failed approaches and attitudes. We all know the sequence of events which led to the collapse of the Sunningdale experiment. Of course, we interpret the events surrounding the collapse of Sunningdale differently - here again, we are faced with the need to agree some satisfactory political language which we commonly understand. For us, that means first an agreed diagnosis as the basis for an agreed treatment of the underlying disease.

SDLP perceptions of Unionist thinking since the 1975-76 Constitutional Convention

-- we think it might be useful if we set out our perception of the evolution of Unionist thinking on the devolution issue since we all last sat down together at the Constitutional Convention in 1975-76. The Report adopted by the United Ulster Unionist Coalition majority effectively denied there was any special feature of Northern Ireland society which justified tampering with strict majority rule as practised under the old Stormont system. That is the thrust of the Report. The underlying message was spelled out in the UUUC manifesto. The condition that the Convention devise proposals with cross-community support was interpreted by the UUUC as "restoration of democratic government in a form acceptable to the largest possible number of people throughout the community" - simple majority rule.

-- however, it is the case that subsequent UUUC submissions considered more radical approaches. The discussions at the Convention concerning so-called "emergency coalition" indicated a certain departure from the static and immobilist approach which characterised the Report and other documents. But it is clear that there was no consensus within Unionist opinion at the time as to how to proceed. The experience of the Convention indicates an implicit recognition on the part

of Unionism - including substantial elements of Loyalism - of the need for new ideas and approaches to the unique complexity of the Northern problem.

-- it seems to us that the efforts of Unionists to grapple with the critical issues involved in the devolution issue have continued within Unionism in the period since the Convention - albeit, we believe in too restricted and too tardy a fashion. In general, it seems to us that the debate within Unionism has seen a gradual recognition of the inadequacy of the simple majority rule approach as a basis for tackling the complex interrelated realities of the Northern situation. The devolution committee of the 1982-86 Assembly witnessed an elaborate and long drawn out process of examining various ideas and proposals.

-- in general, the evidence of the Prior Assembly seems to us to indicate the objective was to seek to establish a system with a formal but non-substantive role for the nationalist community. The exercise was to devise a cosmetically acceptable formula - which, for example, might on paper resemble the US Congressional model - which avoided the critical substantive issues at the heart of the problem. In the same spirit, there was much examination of Westminster style committee systems, the proper functions and powers of a democratic opposition and so on.

-- many interesting and ingenious ideas were put forward and discussed - some of which we feel could be usefully discussed today. We noted the statement of Mr. Robinson to the Devolution Committee that "We would like to go back to the system that prevailed in Northern Ireland prior to 1972, but we recognise, because of the political reality in Northern Ireland, that that proposition is unlikely to be acceptable."

-- yet, there was much unreality also about the proceedings of the Prior Assembly. Our views about that Assembly are well known - we felt it was ill conceived and substantially irrelevant to the prevailing realities of the situation. In a strange way, the UUP shared our view to an extent, believing the Assembly was an irrelevant "talking shop." Their participation was, as we know, lukewarm, punctuated by two walk-outs. Yet, the UUP did present their document the "Way Forward" to the Assembly as their approach to devolution.

-- [material on integrationism elsewhere.] The Way Forward is a curious document. It supposedly heralds the recognition of the "Irish Dimension." Yet, what does it do? It essentially argues that debate over devolution gives rise to what elsewhere Mr. Molyneaux terms the "ultimate irreconcilable objectives" of the Unionist and Nationalist communities. Its general conclusion - not explicitly stated in the "Way Forward", but formulated elsewhere repeatedly by the supporters of the integrationist line - is that debate over the underlying identity issues should be quietly ignored. The Stormont system, under this analysis, operated adequately so long as it could do so without drawing attention to itself.

-- however, this analysis continues, when the spotlight was turned on it, the system of devolved government revealed the inherent contradictions and failures in the Stormont system. Better therefore, the integrationists argue, to avoid discussion about devolution altogether as such discussion gives rise to demanding and disturbing and fundamental issues affecting life on these islands. In a way, we accept the thesis that devolution gives rise to the urgent need for the type of discussion which the integrationists wish to avoid.

-- our position is that the so called "irreconcilable objectives" can creatively be embodied through agreement in some structure which extends the domain of political consensus within Northern Ireland, on the island of Ireland, and between the islands of Britain and Ireland. In practical terms, we say that there is nothing but further tragedy and heartbreak in a policy which forever avoids addressing the fundamental realities. Again in practical terms, just as we accept the de facto veto which the Unionist tradition and community holds over Irish unity, the fact of the matter is that it is abundantly clear the British Government itself has vetoed the objective of integrationism. The terms of Article 1 of the Anglo-Irish Agreement make that point very plainly.

-- returning again to the "Way Forward." As stated earlier, it was heralded by its authors as representing a breakthrough in the Unionist position. It supposedly gave recognition to the Irish dimension to the problem. It stated in this regard: "Moreover although resolutely opposed to an "Irish Dimension" in the form of a constitutional institution, unionists would not object to an "Irish Dimension" in the form of state recognition of the legitimacy of the fostering of distinctively Irish cultural activities in Northern Ireland nor to state funding of such activities in proportion to the degree of public participation or interest in them."

-- in some ways, this quote seems to sum up the debate on devolution as it has progressed so far. It is all about shadow and image rather than about substance and reality. The true Irish dimension, in particular how it interacts with the Unionist tradition, cannot be addressed - instead the British government should give appropriate hand-outs to placate those who engage in Irish cultural activities.

SDLP ideas for first strand discussions

-- it is primarily for these reasons that the SDLP has repeatedly emphasised the importance for the "devolution" issue of the wider relationship existing between the traditions on the island of Ireland. This is in no sense an evasion. Rather, it is an attempt to find a basis for real accommodation and partnership. We are profoundly conscious of the need to find stable and workable forms of government to bring about the positive interaction of both communities and traditions.

-- we are quite prepared to consider novel and imaginative proposals for making manifest the elements of a wider consensus within Northern Ireland and beyond. There is much debate and analysis within the context of the EC and elsewhere as to how institutions at the local and higher levels can interact and reinforce one another. However, it seems to us that this debate and analysis invariably takes place in the context of a broad consensus where the legitimacy of both forms of institution has been already established. In the case of the EC, the consensus was hard won. We have pointed out in our paper that the architects of that consensus aimed to the heart of the historical problem - they singled out coal and steel, the symbols of enmity in Europe, as the substance of the fledgling Community. We need to do the same here.